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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC. a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-00106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,
ORACLE AMERICA, INC., AND
ORACLE INTERNATIONAL
CORPORATION'S MOTION TO
SEAL THEIR REPLY IN SUPPORT
OF MOTION FOR EVIDENTIARY
SANCTIONS FOR SPOILIATION**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle” or “Plaintiffs”) request that, upon showing of good cause by the designating party, the Court order the Clerk of the Court to file under seal certain portions of Oracle’s Reply in Support of Motion for Evidentiary Sanctions for Spoliation and Oracle’s Revised Proposed Order, and supporting documents. Unredacted versions of these documents were lodged under seal with the Court on June 28, 2012.

Portions of Oracle’s Reply Brief, Revised Proposed Order, and supporting documents reflect information that Rimini Street, Inc. (“Rimini”) has designated “Confidential” or “Highly Confidential – Attorneys’ Eyes Only.” The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis added).

For sealing requests relating to non-dispositive motions, such as Oracle’s Motion for Evidentiary Sanctions for Spoliation, the presumption of public access to court filings may be overcome by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The Court has “broad latitude” under Rule 26(c) “to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information.” *Phillips v. General Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Oracle has submitted portions of the Reply Brief and the Revised Proposed Order, and

supporting documents designated by Rimini under seal pursuant to the Protective Order based on its representations that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations. *See, e.g., Pacific Gas and Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002). However, Oracle is not in the position to argue that the designating party's confidentiality designations meet the "good cause" standard applicable to this motion.

**TESTIMONY AND DOCUMENTS DESIGNATED BY RIMINI AS CONFIDENTIAL
OR HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY**

Rimini has designated the following documents cited or referred to in Oracle's Reply Brief and Revised Proposed Order as Confidential or Highly Confidential – Attorneys' Eyes Only:

EX. ¹ NO.	DESCRIPTION	CONF. DESIGN.
1	March 30, 2006 e-mail from S. Ravin [Oracle Depo. Ex. 241]	Confidential
2	August 4, 2009 e-mail from D. Chiu [Oracle Depo. Ex. 274]	Confidential
3	March 10, 2008 e-mail from D. Chiu [RSI00927059-65]	Highly Confidential
4	April 10, 2007 e-mail from D. Chiu [Oracle Depo. Ex. 801]	Confidential
5	Excerpts from the deposition of Dennis Chiu taken on June 24, 2011	Confidential
6	Excerpts from the deposition of Seth Ravin taken on November 18, 2011	Confidential

For the foregoing reasons, Oracle requests that, should the Court find there is good cause for filing the documents discussed above under seal, issue an order sealing the documents.

¹ All exhibits referenced herein are appended to the Declaration of Kieran P. Ringgenberg in support of Oracle's Reply in Support of Motion for Evidentiary Sanctions for Spoliation ("Reply Declaration"), lodged on June 28, 2012.

1 DATED: June 28, 2012

BOIES SCHILLER & FLEXNER LLP

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3 By: /s/ Kieran P. Ringgenberg
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5 Attorneys for Plaintiffs
6 Oracle USA, Inc., Oracle America, Inc.,
7 and Oracle International Corp.
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